

62 21. A layer according to Claim 18, wherein (A) consists essentially of a copolymer of ethylene and 2-ethylhexyl acrylate. --

### **REMARKS**

The Office Action of June 7, 2000 has been carefully studied. The fee for a one-month extension of time is attached herewith. The following paragraphs correspond to the order of the paragraphs of the Office Action:

The claims in the case are now 1-21 with claims 6-21 being newly added. The limitations in the newly added claims are squarely supported by the specification. For example:

<b>Claims</b>	<b>Support</b>
6	Page 9, Lines 5-10
10 and 11	Page 8, Lines 15-19
19	Page 3, Line 26
12- 16	Claims 3, 11 and 6

It is also seen that new claims 18-21 are directed to an adhesive layer which claims are either directly or indirectly dependent on claim 1.

No claims have yet to be allowed.

#### ***Rejection Under 35 U.S.C. 112 Second Paragraph***

Claim 1 is now clearly directed to the composition and not to the adhesive layer itself, the latter being the subject of new claims 18-21.

Claim 7 is now amended so that it does not contain the "preferably" clause which is now the subject of claim 9.

#### ***Rejection Under 35 U.S.C. 102(b) or 35 U.S.C. 103(a)***

The cited references Schmidt Jr. et. al. 4,460,728, Uchigaki et al. 3,931,077 and Geissler et al. 5,994,483 have been carefully studied, and it is respectfully submitted that none of these references anticipates nor makes obvious Applicants' literally claimed invention. In support of this contention, the following discusses each of the references in the light of Applicants' claims.

***Schmidt Jr. et al. 4,460,728***

As stated on column 1, lines 7-11, the reference is directed to a ~~non-pressure~~ sensitive hot melted adhesive composition comprising a blend of an ethylene copolymer, atactic polypropylene and a tackifying resin. As stated on column 1, lines 26-32, the relatively high levels of atactic polypropylene which can be tolerated in the adhesives provides a lower cost than conventional adhesives based on ethylene copolymers but without the processing problems normally associated with polypropylene based adhesives. Thus, on the one hand, it is stated not only on column 1, lines 7-11, but also on column 1, lines 33-35, that the invention is directed to a ~~non-pressure~~ sensitive hot melt adhesive composition on the one hand, and the composition is based on the utilization of a high level of atactic polypropylene for the purposes of lowering the cost. In direct contrast, Applicants' invention is directed to a pressure sensitive adhesive, not a non-pressure sensitive adhesive, and the expression "consisting essentially of" is intended to limit Applicants' composition in a way which would exclude components which would prevent Applicants' composition from being a pressure-sensitive composition. Such excluded components would otherwise most assuredly materially effect the basic and novel characteristics of the present invention.

***Geissler et al. 5,994,438***

This reference is directed to neither a hot melt adhesive nor a pressure sensitive adhesive. Consequently, one of ordinary skill in the art interested in providing a pressure sensitive adhesive, much less one obtained by applying a molten adhesive, would not be drawn to this reference. For the record, the reference provides a pulverulent adhesive which is dispersed in a vehicle such as water (Examples 1-4), polyvinyl alcohol, example 5 or a dextrin solution (Example 6). The resultant dispersion is then employed to bond the desired materials together.


***Uchigaki et al. 3,931,077***

This reference is directed to a ~~reactive~~ hot-melt adhesive composition wherein a reactive urethane prepolymer is essential in order to provide reacted curing of the adhesive composition. To the contrary, it is clear from Applicants' disclosure that Applicants' pressure sensitive hot-melt adhesive composition does not rely on the incorporation of a urethane prepolymer in order to provide a reactive adhesive bond. Furthermore, the incorporation of such a component would materially affect Applicants' adhesive composition by converting Applicants' conventional pressure-sensitive composition to a reactive composition. Thus, the inclusion of the expression

"consisting essentially of" is believed sufficient to patenably distinguish the present invention over that of the reference. Certainly, no one interested in providing a non-reactive pressure sensitive hot melt adhesive would be drawn to the teachings of this reference. Furthermore, it is seen that claim 1 is amended so as to incorporate the expression "non-reactive". Though there is no express written support of this expression in the application, it is clear beyond any doubt whatsoever, that if one of ordinary skill in the art were to read Applicants application, the contents of the application would reasonably convey to the reader that Applicants had possession of a non-reactive pressure sensitive hot melt adhesive, as opposed to a reactive pressure sensitive hot melt adhesive.

Inasmuch as the cited references all focus on other adhesive compositions and do not suggest Applicants' adhesive composition, it appears that the application is now in condition for allowance in the absence of a more pertinent reference. However, if there are any remaining issues which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

Respectfully submitted,

  
I. William Millen (Reg. No. 19,544)  
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza I, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
(703) 812-5325 [Direct Dial]  
(703) 243-6410 [Facsimile]  
Internet Address: millen@mwzb.com

Filed: October 10, 2000  
IWM(pdr)K:\PAT\Atocm\151\Amendment.wpd